

## REMARKS

The present Amendment amends claim 22 and leaves claims 1-16, 18-21, 23-31, 36-39, 41 and 42 unchanged. Therefore, the present application has pending claims 1-16, 18-31, 36-39, 41 and 42.

Attached is a listing of the references cited during the International Phase and considered by the Examiner during International Preliminary Examination. It appears that the Examiner has not indicated that such references have been considered. An indication that such references have been considered is Therefore, Applicants respectfully requested.

In paragraph 2 of the Office Action the Examiner alleges that the Declaration filed on January 2, 2001 with respect to the present application is incomplete being that it did not acknowledge the filing of any foreign application. It should be noted that the Declaration clearly acknowledge the filing of the foreign application. The Examiner's attention is directed to the first page of the Declaration, a copy being attached, which clearly indicates that the present application "was filed on May 18, 1998 as...PCT International No. PCT/JP 98/02176". Therefore, the Declaration filed with respect to the present application clearly acknowledges the filing of the foreign application upon which it depends and as such fully complies with the requirements for a Declaration of an application that entered the National Phase under 35 USC §371 as set forth in 37 CFR §1.497 and MPEP §1893.01(e). The Examiner's attention is specifically directed to 37 CFR §1.497 and MPEP 1893.01(e). Therefore, this objection is overcome and should be withdrawn.

In paragraphs 2-4 the Examiner rejected claims 22-26 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly

claim the subject matter which Applicants regards as the invention. Amendments were made to claims 22-26 to bring them into conformity with the requirements of 35 USC §112, second paragraph. Therefore, Applicants submit that this rejection is overcome and should be withdrawn.

Specifically, amendments were made to claim 22 to overcome the objections noted by the Examiner in paragraph 4 of the Office Action.

The Examiner's cooperation is respectfully requested to contact Applicants' Attorney by telephone should any further indefinite matters be discovered so that appropriate amendments may be made.

Claims 1-5, 8-16, 18-30, 38 and 39 stand rejected under 35 USC §102(e) as being anticipated by Fujimoto (U.S. Patent No. 6,477,619); and claims 36, 37, 41 and 42 stand rejected under 35 USC §103(a) as being unpatentable over Fujimoto. Applicants submit that Fujimoto is not an appropriate reference to be used for anticipatory or obviousness type purposes to reject the claims of the present application being that the present application has an effective filing date of May 18, 1998 which predates the effective date of September 15, 2000 of Fujimoto. Therefore, reconsideration and withdrawal of the above described rejections of the claims is respectfully requested.

The Examiner's attention is directed to MPEP 1893.03(b) and 35 USC §363 which specifically state that the effective filing date of an application that entered the National Phase via 35 USC §371 is the international filing date, the date on which the international application was filed. For the present application, the international application was filed on May 18, 1998. Therefore, the effective filing date of the

present application is May 18, 1998, thereby predating Fujimoto. The Examiner is urged to contact Applicants Attorney by telephone if there are any questions.

It should be noted that even if Fujimoto could be used for anticipatory or obviousness type purposes to reject the claims of the present application, Applicants submit that the features of the present invention as recited in the claims are clearly not taught or suggested by Fujimoto whether taken individually or in combination with any of the other references of record.

In view of the foregoing amendments and remarks, Applicants submit that the present application is now in condition for allowance based on claims 1-16, 18-31, 36-39, 41 and 42. Accordingly, early allowance of the present application based on claims 1-16, 18-31, 36-39, 41 and 42 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (501.39293X00).

Respectfully submitted,

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